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1654

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

| | |
|------------------------|----------------|
| Application Number | 10/500,098 |
| Filing Date | 12/17/02 |
| First Named Inventor | Frame, Anne D. |
| Art Unit | 1654 |
| Examiner Name | Patricia Leith |
| Attorney Docket Number | 94756/5 |

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 2 Journal Publications |
|--|---|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--|----------|--------|
| Firm Name | Fried, Frank, Harris, Shriver & Jacobson LLP | | |
| Signature | | | |
| Printed name | Michael David | | |
| Date | 10/26/07 | Reg. No. | 44,642 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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|-----------------------|------------------|------|----------|
| Signature | | | |
| Typed or printed name | Kimberly Hiepler | Date | 10/26/07 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent Application
Serial No.: 10/500,098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|----------------------|----------------|
| In Re Application Of: Frame, Anne D. |) | Group Art Unit: | 1654 |
| |) | | |
| Serial No.: 10/500,098 |) | Examiner: | Patricia Leith |
| |) | | |
| Filed: 12/17/02 |) | Attorney Docket No.: | 94756/5 |
| |) | | |
| For: Anti-bacterial Plant Compositions |) | | |

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Office Action mailed August 28, 2007 to which a response (without extension of time) is due on November 28, 2007. No fee is believed due at this time. However, if the Examiner believes a fee is due, the Examiner is authorized to charge any fee in conjunction with this patent application, now or at any time during prosecution (with the exception of the fee for allowance) to our Account Number 060920.

Claim Amendments

Upon entry of the amendment, claims 36-38 and 50-55 will be canceled and claims 32 and 39-41 will be amended. A list of the status of all claims presented under this application is attached as Exhibit 1. The entry of the amendment is respectfully urged, as the amendment simplifies the issues for consideration in the appeal.

REMARKS

The Rejections¶

The Examiner acknowledges that the invention is enabled in respect to stigmastan-3,5-diene. OA, at page 4. The amended claims render moot all other grounds of rejection raised in the Office Action, except for the rejection under 35 U.S.C. § 112 related to extraction by organic